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OFFICE OF PETITIONS

In re Application of
Bernd Riedl et al.
Application No. 10/042,226
Filed: January 11, 2002
Attorney Docket No.: Bayer 25A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on December 15, 2005 for failure to timely file a reply to the final Office action mailed September 14, 2005, which set a three (3) month shortened statutory period for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The Notice of Appeal filed March 15, 2006 has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

Additionally, the file reveals that a three month extension of time was also filed with the petition however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1020.00 extension of time fee submitted with the petition on March 15, 2006 was subsequent to the maximum period obtainable for reply to the Final Office Action mailed September 14, 2005, this fee is unnecessary and will be credited to counsel's deposit account no. 13-3402.

This matter is being referred to Technology Center 1614 for processing of the Notice of Appeal.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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Office of Petitions